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Alberta Human Rights
and Citizenship Commission

Human Rights *Complaint Form* and Guide

*Reducing discrimination and
fostering equality for Albertans*

Guide

Albertans are protected against discrimination under the *Human Rights, Citizenship and Multiculturalism Act*.

If you believe you have been discriminated against, this guide and complaint form will help you make a complaint to the Alberta Human Rights and Citizenship Commission.

The information you provide will help the Human Rights and Citizenship Commission decide if it can proceed with your complaint.

If you believe the discrimination took place in Alberta within the **last 12 months**, complete and sign this complaint form and return it to the Commission office nearest you.

If you are not able to complete and sign the form on your own or with the assistance of another person, you may make a complaint in person. You may also make a complaint in writing and not use this form. Contact the Commission for assistance.

At any time during the processing of your complaint, you may appoint someone to assist or represent you. You also have the right to obtain outside legal assistance when making a complaint with the Commission, but it is not required. Any legal assistance you seek will be at your own expense.

More information about the complaint process and rights protected by law in Alberta is available by contacting a Commission office. Faxable information is also available through an automated fax request line at (780) 422-8723.

What happens after you make this complaint? Once your complaint is reviewed, the Commission will decide if it can proceed. If it can proceed, a copy of your complaint will be sent to you and the person, business or organization (respondent) you are complaining about so that they are able to respond to the complaint. If the Commission cannot proceed, you will be notified. Refer to *Complaint Process* on page 3 for more details.

If you believe your safety or the safety of anyone you name in the form is at risk, please call your local police service and notify the Commission.

The Commission will keep all parties informed and welcomes questions at any time. It is your responsibility to notify the Commission if your personal address or contact information changes.

Alberta Human Rights and Citizenship Commission

If you need assistance in completing this form, please call us. Please return your complaint form to the location nearest you. The original document is required, so please do not fax your complaint form.

Edmonton

Alberta Human Rights and Citizenship Commission

c/o Alberta Community Development
800 Standard Life Centre
10405 Jasper Avenue
Edmonton, Alberta

T5J 4R7

Telephone (780) 427-7661
Fax (780) 427-6013

Calgary

Alberta Human Rights and Citizenship Commission

c/o Alberta Community Development
Suite 310
525 - 11 Avenue SW
Calgary, Alberta

T2R 0C9

Telephone (403) 297-6571
Fax (403) 297-6567

Dial 310-0000 to be connected toll-free.



Deaf or hard of hearing with TTY units

Edmonton (780) 427-1597
Calgary (403) 297-5639
Toll-free 1-800-855-0511

To request information by fax call Faxable Facts at (780) 422-8723.

Information is also available on the Commission's web site at www.albertahumanrights.ab.ca



Complaint Process

There is no fee for filing a complaint alleging discrimination with the Alberta Human Rights and Citizenship Commission, nor is it necessary to obtain outside assistance. However, individuals may appoint someone to assist or represent them when making a complaint or responding to a complaint. If parties to a complaint seek outside legal assistance, they are responsible for covering any costs incurred.

The Commission will keep all parties informed of the steps and welcomes questions at any time during the process.

The complaint

Complaints may be made by completing and signing a complaint form signed by the person making the complaint (*complainant*). A complaint must be made within 12 months of the alleged incident or contravention of the *Human Rights, Citizenship and Multiculturalism Act*.

Notifying respondent of a complaint

A copy of the complaint is provided to the person, business, organization or association (respondent) named in your complaint. The respondent is given 21 days to file a response.

Sharing the respondent's response with the complainant

A copy of the respondent's response is sent to the complainant. During this early stage in the process, the parties may voluntarily decide to settle the matter between themselves and without any further involvement of the Commission.

Conciliation

Conciliation is a voluntary, non-adversarial way of resolving disputes in which a neutral person, known as a conciliator, helps the complainant and the respondent to identify the issues, discuss the factors surrounding the issues, and generate possible solutions. The conciliator does not take sides or assess the complaint. All information provided by the parties during conciliation is confidential and will not be used for any purpose other than conciliation. If a settlement acceptable to both parties is not achieved or if one of the parties declines conciliation, an investigator is then assigned.

Investigation

The complainant and respondent are informed by the Commission that an investigation will be undertaken.

The purpose of the investigation is to establish the facts and determine whether there is merit to the complaint.

Dismissal

The complaint will be dismissed if the complaint is without merit.

Discontinuance

The Director may discontinue a complaint that has merit if the Director is of the opinion that the complainant has refused to accept a proposed settlement that is fair and reasonable.

Appeals to the Chief Commissioner

If a complaint is dismissed or discontinued, an appeal may be made in writing to the Chief Commissioner within 30 days. If the Chief Commissioner does not concur with the dismissal or discontinuance, then the Chief Commissioner will appoint a Human Rights Panel. A decision of the Chief Commissioner concurring with the dismissal or discontinuance is final and binding on the parties, subject to judicial review by the Court of Queen's Bench. A judicial review is a review of the process used in making the decision, not an appeal of the decision, and must be requested within six months.

Referral to Human Rights Panel

In the event that the complaint has merit, but the parties are unable to settle, the Director of the Commission reports the complaint to the Chief Commissioner, who appoints a Human Rights Panel.

Human Rights Panel

A panel hearing shall be before one or more commissioners. The decision of the panel, once filed with the Court of Queen's Bench, has the same force and effect as a Court of Queen's Bench decision. A panel decision may be appealed within 30 days to the Court of Queen's Bench.

Complaint Form Guide

Use this guide and the information provided throughout this booklet to help complete each section on the **Human Rights Complaint Form**. *Each lettered section refers to a lettered section on the Complaint Form.* A complaint must be made within **12 months** of the alleged discrimination.

A If you are making a human rights complaint with the Alberta Human Rights and Citizenship Commission for yourself or another person, you are a *complainant*. There is usually only one complainant.

B When making a human rights complaint, you must name a *respondent* and there may be more than one respondent. The respondent is the business or organization you are complaining about. You must provide the corporate name of the business or organization. In addition to the business or organization, a complaint may involve a union, employee association or other group. These names must also be provided.

It is important to provide the corporate name of the company, organization or group. The business may be privately owned or part of a larger business. To locate this information, you may refer to records of employment, pay stubs, business cards or letterhead, telephone book, etc.

Should your complaint **not** involve a business, organization or association, name the individual(s) that you are complaining about. In this instance, the individual(s) becomes the respondent.

Provide phone numbers and addresses for each respondent named in your complaint so they can be notified of a complaint made against them.

C Discrimination can take place in many areas of activity. To complete this section, refer to page 11 of this guide or contact the Commission for more information about areas and grounds. Check (✓) the areas(s) in which you believe the discrimination took place.

D Your complaint may be about being discriminated against because of your **race, religious beliefs, colour, ancestry, place of origin, gender (including pregnancy and sexual harassment), age, physical disability, mental disability, marital status, family status, source of income, or sexual orientation**.

In some cases, more than one of these may apply. Check (✓) the ground(s) on which you believe you have been discriminated against. To complete this section, refer to page 12 of this guide or contact the Commission for more information on areas and grounds.

E This statement supports your claim of discrimination. The information you provide will help the Alberta Human Rights and Citizenship Commission decide if it can proceed with your complaint. It is important you describe each incident of discrimination and indicate how your complaint relates to the areas and grounds selected in sections C and D.

Describe in your own words what happened and include **all** of these points:

- what your complaint is about
- why you believe you were discriminated against
- how you were treated differently from others
- who did the discrimination
- the date(s) when the discrimination occurred
- where the discrimination took place
- what other action you have taken (if any) regarding your situation

F By signing the complaint form, you are stating the information you are providing in the complaint form is true, to the best of your knowledge. Each page of the form must be signed and dated by the complainant.



Alberta Human Rights
and Citizenship Commission

Human Rights Complaint Form

Remove this form and complete using the guide on page 4. Print neatly in ink; no pencil please. Send your original signed form to the Alberta Human Rights and Citizenship Commission. Contact the Commission if you need help in completing this form.

For office use only

Date received

A complaint must be made within 12 months of the alleged discrimination and must have occurred in Alberta.

A Who is making this complaint? (the complainant)

First name	Last name
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B Who are you complaining about? Please provide as much information as possible.

Name of business, organization or association	Name of business, organization or association				
Street/Mailing address	Street/Mailing address				
Town or City	Province	Postal code	Town or City	Province	Postal code
Telephone number (area code)	Telephone number (area code)				

C In what area did the discrimination happen?

Please check (✓) only those categories that apply to the complaint.

<input type="checkbox"/> Employment practices	<input type="checkbox"/> Equal pay	<input type="checkbox"/> Membership
<input type="checkbox"/> Employment applications or advertisements	<input type="checkbox"/> Goods, services, accommodation or facilities	
<input type="checkbox"/> Tenancy	<input type="checkbox"/> Statements, publications, notices, signs, symbols, emblems or other representations	

D On what grounds did the discrimination happen?

Please check (✓) only those categories that apply to the complaint.

<input type="checkbox"/> Race	<input type="checkbox"/> Gender	<input type="checkbox"/> Pregnancy	<input type="checkbox"/> Marital status
<input type="checkbox"/> Religious beliefs		<input type="checkbox"/> Sexual Harassment	<input type="checkbox"/> Family status
<input type="checkbox"/> Colour	<input type="checkbox"/> Age		<input type="checkbox"/> Source of income
<input type="checkbox"/> Ancestry	<input type="checkbox"/> Physical disability		<input type="checkbox"/> Sexual orientation
<input type="checkbox"/> Place of origin	<input type="checkbox"/> Mental disability		

Please complete the back of this form and give details.

For office use only		Area(s)
This complaint is accepted as follows:		
Date of last incident _____		
Section number(s)	Date	Ground(s)
File number	Officer	

E This statement supports the areas and grounds under which you are making your complaint.

Instructions:

Your statement must answer the questions listed below. If you need more space or would prefer to type your information, attach additional sheets. **Be sure to sign each page.** Any person named in your complaint may be contacted.

- In what city or town did the discrimination take place?
- What incidents happened in the past twelve months? Provide dates and details.
- When did the discrimination take place and is it still continuing?
- What caused you to believe you were discriminated against?
- How were you treated differently from others and by whom?
- What other action have you taken (if any) regarding your situation? This might include a civil complaint, union grievance or criminal charge.

**IF YOU ARE MAKING A COMPLAINT ON BEHALF OF
ANOTHER PERSON, COMPLETE THE FOLLOWING
INFORMATION**

Name of person

I consent to this complaint being made on my behalf.

x _____
Signature

F Please read the statement and sign below.

The Human Rights and Citizenship Commission cannot process your complaint if information is missing or if you do not sign this form.

I declare the above statement is true to the best of my knowledge. I understand that if my complaint is accepted, a copy of this complaint will be sent to the respondent.

Date

Complaint continued

x	Signature	Date

Complaint continued

X _____

Signature _____ Date _____

Contact Information

DETACH AND FORWARD WITH YOUR COMPLAINT FORM.

The personal information collected in this section of the human rights complaint form is for the purpose of contacting you during the proceedings of your human rights complaint only. Your personal address information will not be disclosed to any other person or organization (including the respondent named in your complaint), except as authorized by the Freedom of Information and Protection of Privacy Act.

Collection of this information is authorized by the Alberta Human Rights, Citizenship and Multiculturalism Act. If you have any questions or concerns about the collection of this information, contact the Commission.

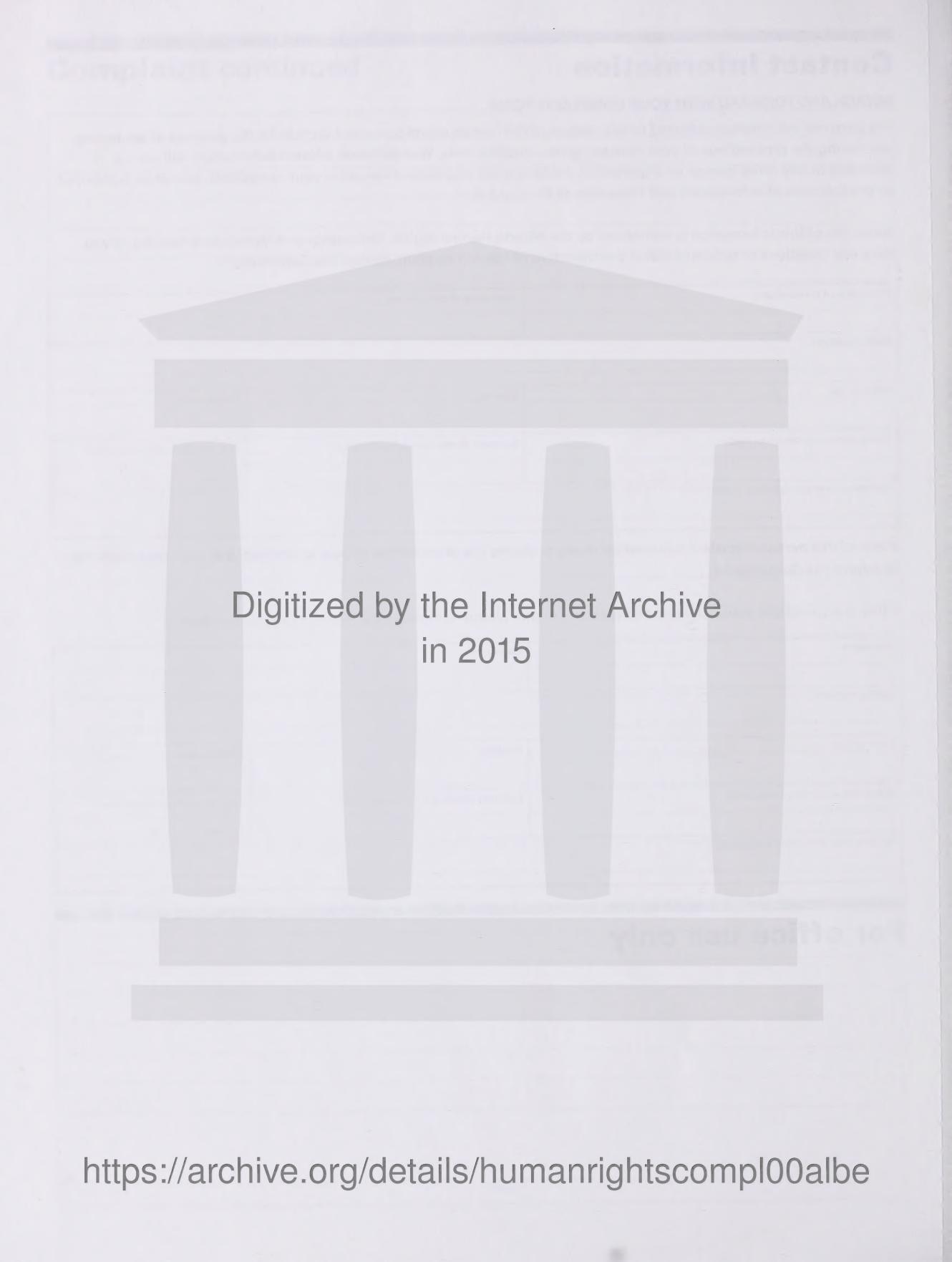
First name of complainant	Last name of complainant	
Mailing address		
Town or City	Province	Postal code
Home phone number (area code)	Business phone number (area code)	May we contact you at work? <input type="checkbox"/> Yes <input type="checkbox"/> No
Daytime phone number (area code)		

If any of this personal contact information changes during the proceedings of your complaint, it is your responsibility to inform the Commission.

If this is a complaint made on behalf of another person, please complete their address information below.

First name	Last name	
Mailing address		
Town or City	Province	Postal code
Home phone number (area code)	Business phone number (area code)	May we contact you at work? <input type="checkbox"/> Yes <input type="checkbox"/> No
Daytime phone number (area code)		

For office use only



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Areas

The Human Rights, Citizenship and Multiculturalism Act provides protection from discrimination in the following areas. In most cases, only one area may be applicable. Please note that these are not legal definitions, but guidelines to assist you in completing the complaint form. For further information, you may contact the Commission.

Employment practices applies to refusals to employ or to continue to employ any person, or discrimination with regard to any term or condition of employment.

Employment applications or advertisements applies to the use or circulation of any form of application for employment or employment advertisement, or the written or oral questions asked of any applicants for employment.

Tenancy applies to being denied occupancy to a self-contained dwelling unit or a commercial unit that is available, or being discriminated against in any term or condition of the tenancy.

Equal pay applies to situations where males and females do similar or substantially similar work for an employer but receive different rates of pay.

Goods, services, accommodations or facilities applies to goods, services or accommodation customarily available to the public, such as restaurants, hotels, hospitals, or schools.

Publications and notices applies to the publication, issue or display before the public of any statement, publication, notice, sign, symbol, emblem or other representation that is discriminatory or is likely to expose anyone to hatred or contempt.

Membership in trade unions, employers' organizations or occupational associations applies to situations such as becoming a member, being expelled or suspended from membership, or being discriminated against as a member.

Prohibitions against complaints:

That Human Rights, Citizenship and Multiculturalism Act prohibits a person from retaliating against any person who has made a complaint, or given evidence or assisted any one else in making a complaint under the legislation. If an individual believes retaliatory action has been taken against them for any of these reasons, they may make a complaint under the prohibition section.

The Act does not allow a person to make a complaint with malicious intent that is frivolous or vexatious. If an employer, a landlord or a service provider has reasonable grounds to believe that such a complaint has been made against them, they may make a complaint under the prohibition section.

Grounds

The Human Rights, Citizenship and Multiculturalism Act provides protection from discrimination on a number of grounds. The Act provides protection from discrimination on the grounds of **race, colour, ancestry** and **place of origin**, as well as the **grounds outlined below**.

Please note that the following are not legal definitions, but guidelines to assist you in completing the complaint form.

Religious Beliefs - includes Native Spirituality.

Gender - being either male or female. Also considered under gender are pregnancy and sexual harassment.

Age - means 18 years of age or older.

Physical Disability - any degree of physical disability, deformity, malformation or disfigurement that is caused by injury, birth defect or illness. This includes, but is not limited to, epilepsy, paralysis, amputation, lack of physical coordination, visual, hearing and speech impediment and physical reliance on a guide dog, wheelchair or other remedial appliance or device.

Mental Disability - any mental disorder, developmental disorder or learning disorder, regardless of the cause or duration of the disorder.

Marital Status - the state of being married, single, widowed, divorced, separated or living with a person of the opposite sex in a conjugal relationship outside marriage.

Complaints about discrimination on the basis of age cannot be made in the areas of services and tenancy but may be made in all other areas.

For further information, contact the Commission.

Family Status - the state of being related to another person by blood, marriage or adoption.

Source of Income - lawful source of income.

Sexual Orientation - includes protection from differential treatment based on a person's actual or presumed sexual orientation or his or her association with a person who is homosexual, heterosexual or bisexual. Homosexual (gay or lesbian) is defined as being a person who is sexually attracted to persons of his or her own sex. Heterosexual is defined as being a person who is sexually attracted only to persons of the opposite sex. Bisexual is defined as being a person who is sexually attracted to persons of both sexes.